IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 118/2005

(Gulam Mohammed Vs. Smt. Achu and Ors.)

Date of Order :::: 20.11.2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. N.S. Rajpurohit, for the petitioner
Mr. Ashok Upadhyaya, PP

BY THE COURT:

Heard learned counsel for the petitioner as well as learned Public Prosecutor for the State. Perused the order impugned dated 19.1.2005 passed by the Family Court, Jodhpur for short 'the trial court' hereinafter) whereby the trial court directed the petitioner to pay the arrears of monthly allowance of maintenance, in default of payment to undergo one month imprisonment.

On 24.7.2006, the counsel for the petitioner made a statement that a sum of Rs.10,000/- as a part of arrears of maintenance has been deposited. He sought further time to pay

the remaining amount of arrears of maintenance.

The matter came up on 17.8.2006, 1.9.2006, 13.9.20066.10.2006 and 12.10.2006 to ascertain as to whether any further amount has been paid. Learned counsel for the petitioner submits that he has no information.

I have heard learned counsel for the petitioner on the merits of the case.

On careful perusal of the order impugned, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any court. Monthly allowance of maintenance has been granted in favour of the non-petitioners by the trial court, which the petitioner failed to pay and on a proceeding under Section 125(3) Cr.P.C. for the recovery of amount of arrears of maintenance, the trial court has passed the order impugned.

I find no error, illegality or perversity in the order impugned warranting interference in the inherent jurisdiction.

The criminal misc. petition is, therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR)J.

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